

Amendments to the Claims

Claim 1 (Original): Hybrid maize seed designated 35Y54, representative seed of said hybrid 35Y54 having been deposited under ATCC accession number \_\_\_\_\_.

Claim 2 (Original): A maize plant, or its parts, produced by the seed of claim 1.

Claim 3 (Original): Pollen of the plant of claim 2.

Claim 4 (Original): An ovule of the plant of claim 2.

B<sup>1</sup>  
Claim 5 (Currently amended): A tissue culture of regenerable cells or protoplasts of a hybrid maize plant 35Y54, representative seed of said hybrid maize plant 35Y54 having been deposited under ATCC accession number \_\_\_\_\_, wherein the tissue culture regenerates plants capable of expressing all the morphological and physiological characteristics of said hybrid maize plant 35Y54.

Claim 6 (Currently amended): A The tissue culture according to claim 5, the cells or protoplasts of the tissue culture being from a tissue selected from the group consisting of leaves, pollen, embryos, roots, root tips, anthers, silks, flowers, kernels, ears, cobs, husks, and stalks.

Claim 7 (Original): A maize plant, or its parts, regenerated from the tissue culture of claim 5 and capable of expressing all the morphological and physiological characteristics of hybrid maize plant 35Y54, representative seed having been deposited under ATCC accession number \_\_\_\_\_.

B<sup>3</sup>  
Claim 8 (Currently amended): The maize plant of claim 2, wherein said maize plant further comprising a genetic factor conferring male sterility has been manipulated to be male sterile.

Claims 9-19 (Cancelled)

Claim 20 (Original): A maize plant, or its parts, having all the morphological and physiological characteristics of the plant of claim 2.

Claims 21-32 (Cancelled)

Claim 33 (New): A method of developing a transgenic 35Y54 maize plant, comprising transforming at least one of the inbred parents of 35Y54 with a transgene, wherein a representative sample of said inbred parents have been deposited as \_\_\_\_\_ for GE570932 or \_\_\_\_\_ for GE486862, and crossing said inbred parents to produce a transgenic 35Y54 hybrid maize plant.

Claim 34 (New): The maize plant of claim 33 wherein said transgene is a transgene selected from the group consisting of: a plant disease resistance gene, an insect resistance gene, an herbicide resistance gene, a male sterility gene, and a value added trait gene.

38  
Claim 35 (New): The maize plant of claim 34 wherein said transgene is an insect resistance gene encoding a *Bacillus thuringiensis* polypeptide, a derivative thereof or a synthetic polypeptide modeled thereto.


Claim 36 (New): The maize plant of claim 34 wherein said transgene is an herbicide resistance transgene selected from the group consisting of: a transgene conferring glyphosate resistance, a transgene conferring glufosinate resistance, a transgene conferring imidazolinone resistance and a transgene conferring sulfonyleurea resistance.

Claim 37 (New): A method of developing a backcross conversion 35Y54 hybrid maize plant, comprising backcrossing a gene into at least one of the inbred parents of 35Y54, wherein a representative sample of said inbred parents have been deposited as \_\_\_\_\_ for GE570932 or \_\_\_\_\_ for GE486862, and crossing said inbred parents to produce a transgenic 35Y54 hybrid maize plant.

Claim 38 (New): The maize plant of claim 37 wherein said gene is a transgene selected from the group consisting of: a plant disease resistance gene, an insect resistance gene, an herbicide resistance gene, a male sterility gene, and a value added trait gene.

Claim 39 (New): The maize plant of claim 38 wherein said transgene is an insect resistance gene encoding a *Bacillus thuringiensis* polypeptide, a derivative thereof or a synthetic polypeptide modeled thereto.

Claim 40 (New): The maize plant of claim 38 wherein said transgene is an herbicide resistance transgene selected from the group consisting of: a transgene conferring glyphosate resistance, a transgene conferring glufosinate resistance, a transgene conferring imidazolinone resistance and a transgene conferring sulfonylurea resistance.

 Claim 41 (New): A maize plant, or parts thereof, having all the morphological and physiological characteristics of hybrid maize plant 35Y54 representative seed of said hybrid maize plant having been deposited under ATCC Accession No. \_\_\_\_\_.

Claim 42 (New): A method for producing a 35Y54 progeny maize plant, comprising:  
(a) crossing the maize plant or plant parts of claim 2, with a second maize plant to yield progeny maize seed; and  
(b) growing said progeny maize seed, under plant growth conditions, to yield said 35Y54 progeny maize plant.

Claim 43 (New): The method of claim 42 further comprising the step of:  
(c) selecting and harvesting 35Y54 progeny maize plants which comprise 2 or more 35Y54 characteristics described in table 1 or 2.

Claim 44 (New): A 35Y54 progeny maize plant, or parts thereof, produced by the method of claim 43.

Claim 45 (New): A method of making a hybrid maize seed 35Y54 comprising: crossing an inbred maize plant GE570932 and GE486862, deposited as \_\_\_\_\_ and \_\_\_\_\_, respectively to produce hybrid maize seed 35Y54.

Claim 46 (New): A process for isolating an inbred parent of hybrid maize plant 35Y54, representative seed of which have been deposited under ATCC Accession No. \_\_\_\_\_, comprising:

- (a) planting a collection of seed comprising seed of hybrid maize plant 35Y54, said collection also comprising seed of said inbred parent;
- (b) growing plants from said collection of seed;
- (c) identifying an inbred parent plant; and
- (d) selecting said inbred parent plant.

Claim 47 (New): A method of making an inbred maize plant comprising: obtaining the plant of claim 2 and applying double haploid methods to obtain a plant that is homozygous at essentially every locus, said plant having received all of its alleles from maize hybrid plant 35Y54.

Claim 48 (New): The method of claim 47 wherein said inbred line comprises at least about 75% genetic identity to a line selected from the group consisting of GE570932 and GE486862, deposited as \_\_\_\_\_ and \_\_\_\_\_, respectively.

Claim 49 (New): A method for producing a 35Y54 progeny maize plant comprising:

- (a) growing the plant of claim 2, and obtaining self or sib pollinated seed therefrom; and
- (b) producing successive filial generations to obtain a 35Y54 progeny maize plant.

Claim 50 (New): A maize plant produced by the method of claim 49, said maize plant having received all of its alleles from hybrid maize plant 35Y54.

Claim 51 (New): A method for producing a population of 35Y54 progeny inbred maize plants comprising:

- (a) growing the plant of claim 2 and obtaining self or sib pollinated seed therefrom; and
- (b) producing successive filial generations to obtain a population of 35Y54 progeny inbred maize plants.

Claim 52 (New): A maize plant from the inbred population of maize plants produced by claim 51, said plant having received all of its alleles from hybrid maize plant 35Y54.

32  
Ad  
Claim 53 (New): A method for developing a maize plant in a maize plant breeding program comprising: obtaining the maize plant, or its parts, of claim 2 and, utilizing said plant or parts as a source of breeding material.

Claim 54 (New): An 35Y54 progeny maize plant, or parts thereof, wherein at least one ancestor of said 35Y54 progeny maize plant is the maize plant of claim 2, and wherein the pedigree of said 35Y54 progeny maize plant has 2 or less breeding crosses to a plant other than 35Y54.

---